

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING SCHEDULE FOR MODELING UPDATES OF
COST RESPONSIBILITY CALCULATIONS**

This ruling addresses the process for review of underlying data required to finalize the Direct Access (DA)/Departing Load (DL) Cost Responsibility obligations applicable to calendar year 2003. San Diego Gas & Electric Company (SDG&E) has indicated to the Commission's Energy Division staff that it opposes public release of the supporting data that it has provided to the staff and to the Department of Water Resources (DWR), based on the claim that such data is confidential and commercially sensitive. As a result of SDG&E's objections, the Energy Division has not yet released SDG&E's 2003 data for parties to review. According to the Energy Division, SDG&E opposes release of the data even on an aggregated annualized basis.

SDG&E is hereby directed to file a response to this ruling to show good cause as to why the 2003 data it has provided should not be released, at least to those parties that have signed a nondisclosure agreement, and at least on an annualized aggregated basis, and to explain in detail specifically what commercial harm would result from release of the data even on an annualized basis. SDG&E shall also identify what, if any, of the data it has provided to staff

and DWR relating the 2003 DA/DL obligations that it does not consider confidential, and that can be publicly released without objection. SDG&E should file and serve its response by August 17, 2004. Parties may file a reply to SDG&E's pleading by August 27, 2004.

There are no confidentiality objections that have been raised with respect to utility and DWR data underlying the 2001-02 undercollection period for DA/DL cost responsibility. Accordingly, the Energy Division staff shall proceed to release that data to parties for their review. A deadline of August 23, 2004 shall be set for parties to file written comments regarding the 2001-02 undercollection.

IT IS RULED that:

1. San Diego Gas & Electric Company (SDG&E) is hereby directed to file a response to this ruling showing good cause as to why the 2003 data it has provided should not be released, at least to those parties that have signed a nondisclosure agreement, and at least on an annualized aggregated basis, and to explain what commercial harm would result from release of the data even on an annualized basis.
2. SDG&E shall also identify what, if any, of the data it has provided to staff and Department of Water Resources relating the 2003 Direct Access (DA)/Departing Load (DL) obligations that it does not consider confidential, and that can be publicly released without objection.
3. SDG&E should file and serve its response by August 17, 2004.
4. Parties may file a reply to SDG&E's pleading by August 27, 2004.
5. The Energy Division staff shall proceed to release the 2001-02 data relating the DA/DL obligations to parties for their review since there are no objections to release of such data.

6. A deadline of August 23, 2004 shall be set for parties to file written comments regarding the data and resulting derivation of the 2001-02 undercollection associated with DA/DL cost responsibility obligations.

Dated August 10, 2004, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Schedule for Modeling Updates of Cost Responsibility Calculations on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated August 10, 2004, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.